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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION  
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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

IN THE MATTER OF THE APPLICATION  
OF NEXTGEN COMMUNICATIONS, INC.  
FOR APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE PRIVATE LINE AND ACCESS  
TELECOMMUNICATION SERVICES.

DOCKET NO. T-20722A-10-0026

**PROCEDURAL ORDER**  
**SETTING HEARING DATE**

**BY THE COMMISSION:**

On January 28, 2010, NextGen Communications, Inc. ("NextGen" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide private line and access telecommunication services in Arizona and requesting that its proposed services be classified as competitive.

On February 10, 2010, Staff issued its first Set of Data Requests. NextGen responded with the required information on March 17, 2010.

On March 22, 2010, Staff issued its Second Set of Data Requests and NextGen filed its response on March 29, 2010.

On June 16, 2010, NextGen filed revised tariff pages and additional responses to the Staff's Data Request.

On July 15, 2010, Staff filed a Staff Report recommending approval of NextGen's application.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall commence on **September 27, 2010, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that NextGen shall publish notice of the application and the  
 2 hearing date, as stated below, in a newspaper(s) of general circulation in every county in Arizona in  
 3 which NextGen desires to provide service by August 2, 2010.

4 **IN THE MATTER OF THE APPLICATION OF NEXTGEN**  
 5 **COMMUNICATIONS, INC. FOR APPROVAL OF**  
 6 **A CERTIFICATE OF CONVENIENCE AND NECESSITY**  
 7 **TO PROVIDE PRIVATE LINE AND ACCESS**  
 8 **TELECOMMUNICATION SERVICES.**  
 9 **(DOCKET NO. T-20722A-10-0026)**

10 On January 28, 2010, NextGen Networks, LLC ("NextGen" or "Applicant" or  
 11 "Company") filed with the Arizona Corporation Commission ("Commission") an  
 12 application for a Certificate of Convenience and Necessity ("CC&N") to provide  
 13 private line and access telecommunication services in Arizona and requesting that  
 14 its proposed services be classified as competitive. The Commission's Utilities  
 15 Division ("Staff") has recommended approval of NextGen's application, subject to  
 16 certain conditions. The Commission will issue a Decision following consideration  
 17 of testimony and evidence presented at an evidentiary hearing. The Commission is  
 18 not bound by the proposals made by NextGen, Staff, or any intervenors. NextGen  
 19 will be required to provide service under the rates, charges, terms, and conditions  
 20 established by the Commission. Copies of the application, report of Staff, and any  
 21 written exceptions to the report of Staff filed by NextGen will be available at  
 22 NextGen's offices [insert address] and on the internet via the Commission website  
 23 (www.azcc.gov) using the e-docket function.

24 The Commission will hold a hearing on NextGen's application on **September 27,**  
 25 **2010, at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street,  
 26 Room 100, Phoenix, Arizona. Public comments will be taken on the first day of the  
 27 hearing. Written public comments may be submitted via email (go to  
 28 <http://www.azcc.gov/divisions/utilities/forms.asp> for instructions) or by mailing a  
 letter referencing Docket No. T-20722A-10-0026 to: Arizona Corporation  
 Commission, Consumer Services Section, 1200 West Washington Street, Phoenix,  
 AZ 85007. If you require assistance, you may contact the Consumer Services  
 Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate  
 circumstances, interested parties may intervene. Any person or entity entitled by  
 law to intervene and having a direct and substantial interest in the matter will be  
 permitted to intervene. If you would like to intervene, you must file a written  
 motion to intervene with the Commission, and you must send copies of the motion  
 to NextGen or its counsel and to all parties of record in the case. Your motion to  
 intervene must contain the following:

1. The name, address and telephone number of the proposed intervenor and of  
 any person upon whom service of documents is to be made if different from  
 the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
 a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed  
 to the Company or its counsel and to all parties of record in the case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
2 except that all motions to intervene must be filed on or before August 20, 2010.  
3 The granting of intervention, among other things, entitles a party to present sworn  
4 evidence at the hearing and to cross examine other witnesses. However, failure to  
5 intervene will not preclude any interested person or entity from appearing at the  
6 hearing and making a statement on their own behalf. If representation by counsel is  
7 required by Rules 31 and 38 of the Rules of the Arizona Supreme Court,  
8 intervention will be conditioned upon the intervenor obtaining counsel to represent  
9 the intervenor.

6 The Commission does not discriminate on the basis of disability in admission to its  
7 public meetings. Persons with a disability may request a reasonable  
8 accommodation such as a sign language interpreter, as well as request this  
9 document in an alternative format, by contacting the ADA Coordinator, Shaylin  
10 Bernal at SABernal@azcc.gov, voice phone number 602-542-3931. Requests  
11 should be made as early as possible to allow time to arrange the accommodation.

9 IT IS FURTHER ORDERED that NextGen shall file an Affidavit of Publication with the  
10 Commission **no later than August 20, 2010.**

11 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
12 105, except that all motions to intervene shall be filed by **August 20, 2010.**

13 IT IS FURTHER ORDERED that any objections to intervention(s) shall be filed by  
14 **September 6, 2010.**

15 IT IS FURTHER ORDERED that NextGen or any intervenors shall file specific  
16 disagreements/comments, if any, regarding the Staff Report or the application by **September 6, 2010.**

17 IT IS FURTHER ORDERED that **all parties must comply with Rules 31 and 38 of the**  
18 **Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in**  
19 **Arizona and before the Commission and admission *pro hac vice*.**

20 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
21 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
22 Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all  
23 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled  
24 for discussion, unless counsel has previously been granted permission to withdraw by the  
25 Administrative Law Judge or the Commission.

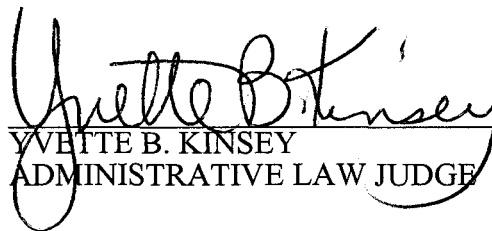
26 ...

27 ...

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
2 Communications) applies to this proceeding and shall remain in effect until the Commission's  
3 Decision in this matter is final and non-appealable.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 Dated this 19<sup>th</sup> day of July, 2010.

7  
8  
9  
10   
11 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered  
13 this 19<sup>th</sup> day of July, 2010 to:

14 Mr. Kim Robert Scovill  
15 Senior Director, Government Affairs  
16 NEXTGEN COMMUNICATIONS, INC.  
17 c/o TELECOMMUNICATION SYSTEMS, INC  
18 275 West Street, Suite 400  
19 Annapolis, MD 21401


20 H. Russell Frisby  
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26 Janice Alward, Chief Counsel  
27 Legal Division  
28 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Steven M. Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1184

By:

  
Debra Broyles  
Secretary to Yvette B. Kinsey